

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN THE MATTER OF THE SEARCH OF)
FACEBOOK ACCOUNT:)

www.facebook.com/brandin.bg.5)

Mag. No. 18-18M

APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT

I. INTRODUCTION

I, Ryan J. Chrobak, being duly sworn, state the following in support of this application for a search warrant for stored communications, images, records, and other data in or pertaining to the following Facebook account, which is referred to herein as “**the Subject Account**”, from August 1, 2017, through November 17, 2017:

* **www.facebook.com/brandin.bg.5**

I am a Special Agent of the United States Department of Justice, Federal Bureau of Investigation (“FBI”), and have been so employed since June 2016. During that time, I have been assigned to an investigative unit dealing with organized crime, drug trafficking, gangs, and violent crimes. During my training at the FBI Academy in Quantico, Virginia, and previous training at the Federal Law Enforcement Training Center in Glynco, Georgia, I received extensive instruction in a variety of investigative and legal matters, including the topics of Fourth Amendment searches and the legal requirements for the acquisition of tele-communications.

As a Special Agent with the Federal Bureau of Investigation, I am an “Investigative or Law Enforcement Officer” of the United States within the meaning of Title 18, United States Code, Section 2510(7); that is, an officer of the United States who is empowered by law to

conduct investigations of, and to make arrests for, offenses enumerated in Title 18, United States Code, Section 2516.

I have been involved in narcotics-related arrests and have handled cooperating sources of information who were involved in narcotics acquisition and/or trafficking. In addition, I have reviewed thousands of communications between drug traffickers as a result of my participation in multiple wiretap investigations.

Based on my experience and the experience of other law enforcement officers with whom I have worked, I am familiar with matters including, but not limited to, the means and methods used by persons and drug trafficking organizations to purchase, transport, store, and distribute drugs and/or firearms, and to hide profits generated from drug transactions. Based on my training and experience, I am aware that it is a common practice for drug traffickers to conduct and facilitate drug-related activities through their cell phones, vehicles, residences, and other methods as well. As part of my duties as an FBI Special Agent, and in the course of my participation in wiretap investigations, I have reviewed thousands of communications between drug traffickers. As a result of my narcotics-related training and experience, I am familiar with the methods and language used to distribute narcotics, to launder proceeds, and to operate drug-trafficking conspiracies.

I have participated in several investigations in which evidence was observed on, and/or obtained from, social media accounts, such as Facebook accounts. As a result of these investigations, in conjunction with my other employment and personal experience, I am aware that Facebook owns and operates a social-networking website of the same name that can be accessed at <http://www.facebook.com>. Facebook allows its users to establish accounts with

Facebook, and users can then use their accounts to share written news, photographs, videos, and other information with other Facebook users, and sometimes with the general public.

Facebook asks users to provide basic contact and personal identifying information to Facebook, either during the registration process or thereafter. This information may include the user's full name, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers (for password retrieval), physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers. Facebook also assigns a user identification number and username to each account.

Facebook users may join one or more groups or networks to connect and interact with other users who are members of the same groups or networks. Facebook assigns a group identification number to each group. A Facebook user can also connect directly with individual Facebook users by sending each user a "Friend Request". If the recipient of a "Friend Request" accepts the request, then the two users will become "Friends" for purposes of Facebook and can exchange communications or view information about each other. Each Facebook user's account typically includes a list of that user's "Friends" and a "News Feed," which highlights information about the user's "Friends," such as profile changes, upcoming events, and birthdays.

Facebook users can select different levels of privacy for the communications and information associated with their Facebook accounts. By adjusting these privacy settings, a Facebook user can make information available only to himself or herself, to particular Facebook users, or to anyone with access to the Internet, including people who are not Facebook users. A Facebook user can also create "lists" of Facebook friends to facilitate the application of these privacy settings. Facebook accounts also include other account settings that users can adjust to control, for example, the types of notifications they receive from Facebook.

Facebook users can create profiles that include photographs, lists of personal interests, and other information. Facebook users can also post “status” updates about their whereabouts and actions, as well as links to videos, photographs, articles, and other items available elsewhere on the Internet. Facebook users can also post information about upcoming events, such as social occasions, by listing the event’s time, location, host, and guest list. In addition, Facebook users can check in to particular locations or add their geographic locations to their Facebook posts, thereby revealing their geographic locations at particular dates and times. A particular user’s profile page also typically includes a “Wall,” which is a space where the user and his or her “Friends” can post messages, attachments, and links that will typically be visible to anyone who can view the user’s profile.

Facebook allows users to upload photos and videos. It also provides users the ability to “tag” (i.e., label) other Facebook users in a photo or video. When a user is tagged in a photo or video, he or she receives a notification of the tag and a link to see the photo or video. I believe that, for Facebook purposes, the photos and videos associated with a user’s account will typically include all photos and videos uploaded by that user, as well as all photos and videos uploaded by any user that have that user tagged in them.

Facebook users can exchange private messages on Facebook with other users. These messages, which are similar to e-mail messages, are sent to the recipient’s “Inbox” on Facebook, which also stores copies of messages sent by the recipient, as well as other information. Facebook users can also post comments on the Facebook profiles of other users or on their own profiles; such comments are typically associated with a specific posting or item on the profile. In addition, Facebook has a Chat feature that allows users to send and receive instant messages through Facebook. I believe these chat communications are stored in the chat history for the

account. Facebook also has a Video Calling feature, and, although I do not believe Facebook records the calls themselves, I believe Facebook may keep records of the date of each call.

If a Facebook user does not want to interact with another user on Facebook, the first user can “block” the second user from seeing his or her account. Facebook has a “like” feature that allows users to give positive feedback or connect to particular pages. Facebook users can “like” Facebook posts or updates, as well as webpages or content on third-party (i.e., non-Facebook) websites. Facebook users can also become “fans” of particular Facebook pages.

Facebook accounts can have an activity log, which can be a list of the user’s posts and other Facebook activities from the inception of the account to the present. The activity log can include stories and photos that the user has been tagged in as well as connections made through the account, such as “liking” a Facebook page or adding someone as a friend. The activity log can be visible to the user but cannot be viewed by people who visit the user’s Facebook page.

Facebook also retains Internet Protocol (“IP”) logs for a given username or IP address. These logs may contain information about the actions taken by the username or IP address on Facebook, including information about the type of action, the date and time of the action, and the username and IP address associated with the action. IP addresses are assigned by internet service providers to their customers and are generally unique to a particular internet connection/customer at a particular moment in time. Researching the assignment and use of a particular IP address at a particular moment in time can result in the identification of a specific internet user/internet connection.

Social-networking providers like Facebook typically retain additional information about their users’ accounts, such as information about the length of service (including start date), the

types of service utilized, and the means and source of any payments associated with the service (including any credit card or bank account number). In some cases, Facebook users may communicate directly with Facebook about issues relating to their accounts, such as technical problems, billing inquiries, or complaints from other users. Social networking providers like Facebook can retain records about such communications, including records of contacts between the user and the provider's support services, as well as records of any actions taken by the provider or user as a result of the communications.

Based on the foregoing, it is apparent that the computers/servers of Facebook are likely to contain any or all of the information referenced herein for the Account that is the subject of this affidavit.

I have personally participated in the investigation outlined herein. In addition, I have reviewed information obtained from law enforcement and commercial databases, and discussed this case with and reviewed the reports of other law enforcement officers who have been involved in this investigation, or who have investigated Brandin GARDNER and his associates in the past. This affidavit is being submitted for the limited and specific purpose of supporting an application for a search warrant. I have not, therefore, included every fact I know concerning the investigation.

II. PROBABLE CAUSE

Brandin GARDNER is connected with a violent street gang from Pittsburgh's Beltzhoover neighborhood. Some of the members of the gang refer to themselves using the gang name "Zhooove". Zhooove members do not restrict themselves to Beltzhoover and the surrounding neighborhoods. Zhooove members have associated with different groups, including some from

Pittsburgh's Hill District. Zhoove graffiti has been located in various locations throughout Pittsburgh, including in Homewood, the Hill District, Beechview, Carrick, and the South Side.

In 2017, GARDNER was on federal supervised release following a federal conviction in 2016 for conspiracy to distribute heroin. GARDNER was sentenced to 24 months in prison to be followed by 3 years of supervised release. GARDNER was on federal supervised release by 2017 due to credit for time served toward his federal sentence.

GARDNER had previously been convicted in Pennsylvania state court of possession with intent to deliver heroin in 2014 and was placed on probation. GARDNER committed his prior federal drug trafficking crime while on probation for the state conviction. Furthermore, GARDNER was adjudicated delinquent for possession with intent to distribute crack cocaine and unlawful possession of a firearm by a minor in two separate cases in 2013. As a result of GARDNER's prior felony convictions, he could not lawfully possess a firearm in 2017.

On October 8, 2017, Pittsburgh Bureau of Police ("PBP") Officers responded to the area of Beltzhoover Avenue at Climax Street for a report of 20-30 shots fired in the area. PBP dispatch received information that people from two vehicles were shooting at each other and one of the vehicles was being operated on Climax Street. As Officer's responded to that location, a call went out to be on the lookout for a tan SUV that was involved in the shooting.

Shortly thereafter, PBP Officers located a tan SUV with bullet holes and a shattered window in a public pay lot. Located with the vehicle was a male named EUGENE HALL and a female named KORREN HUGHES. HUGHES stated that they were parked on Climax Street by HALL's friend's house when a vehicle drove by and started shooting at them. PBP Officers then

conducted a search of the tan SUV wherein they located a black wallet on the back seat that contained GARDNER's identification.

In November 2017, GARDNER's supervising probation officer located a public Facebook page belonging to D'ONDRE HALL, the brother of GARDNER, under the name "Chico Ducclife NFup". Located on the Facebook profile was a picture that was also tagged to GARDNER's public Facebook page (i.e., part of **the Subject Account**) under the name "BG Nfup". The picture, which is pasted below, is of GARDNER (on the far right) and four other individuals posing with firearms and flashing signs. Two individuals have weapons in their hands. The hand grip of a firearm can be seen in GARDNER's front pants pocket. The picture includes an inscription from HALL's account stating "All these problems still no solution – with Louie Dv and Trappn Leekerz". The picture was also attributed to the Facebook account "Leeko Trapped Out" and includes the inscription "He got da strap ... he got my back .. Dem my bruvas – with Louie Dv and BG Nfup".



Also in November 2017, an additional picture was observed on the public part of **the Subject Account** (i.e., GARDNER's Facebook account) by GARDNER's supervising probation officer that shows GARDNER holding a firearm. The picture, which is pasted below, has a posted date of September 19, 2017. In the picture, GARDNER is wearing a blue Nike hooded sweatshirt and he has both arms hanging over a bar located above his head. In GARDNER's right hand is a black pistol. Experts from the Bureau of Alcohol, Tobacco, Firearms, and Explosives have analyzed the picture and have confirmed that the pistol in the picture has the characteristics of a Smith and Wesson M&P semi-automatic pistol.



It should be noted that both of the pictures described and pasted above were still located on the public part of **the Subject Account** (i.e., GARDNER's Facebook account) when I checked within the last week.

On November 17, 2017, The U.S. Probation Office's Special Response Team ("SRT"), with the assistance of the FBI and PBP, arrived at GARDNER's residence, located at 514 Curtin Avenue, Pittsburgh. They arrived at approximately 07:40 a.m. on that date for the purpose of executing a search of GARDNER's residence related to his supervised release violations. The U.S. Probation SRT and FBI initiated contact at the residence while PBP provided perimeter security.

Officers from the SRT called for GARDNER to come to the door. A short time later, GARDNER was observed coming down the steps and was thereafter directed out of the residence. Three other people were inside of GARDNER's residence: his mother, Joseph Williams (a former federal supervisee), and a four-year-old female child.

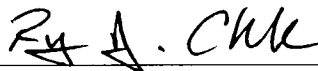
Prior to executing a full search of the residence, a K-9 officer with PBP conducted a sweep of the residence. Following the K-9 sweep, the SRT and FBI conducted a search of the residence and seized the following items located in a room utilized as a bedroom by GARDNER: a digital scale with white residue, another digital scale, several cell phones, two gun cleaning kits, a target with bullet holes, 35 rounds of .357 caliber ammunition, and a loaded Glock 27 pistol containing 14 rounds of ammunition (including one in the chamber).

Following the investigation of GARDNER in November 2017 summarized above, and his corresponding arrest by the U.S. Probation Office on November 17, 2017, a federal supervised release violation petition was filed against GARDNER by his supervising officer. The violation petition is pending at this time and GARDNER has remained in federal custody since November 17, 2017. In addition, on January 3, 2018, a federal grand jury in this district returned a one-count indictment against GARDNER charging him with felon in possession of two firearms – a Glock 27 semi-automatic pistol and a Smith & Wesson M & P semi-automatic

pistol – between August 2017 and November 17, 2017. The indictment is also pending at this time.

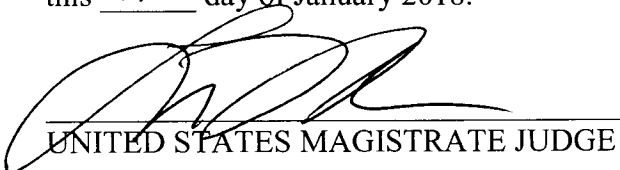
III. CONCLUSION

Based on the foregoing, there is probable cause to conclude that **the Subject Account** contains evidence of criminal activity, including violations of 18 U.S.C. § 922(g) (possession of a firearm by a prohibited person) and 18 U.S.C. § 924(c) (possession of a firearm in furtherance of a drug trafficking crime). **The Subject Account** likely contains direct evidence of GARDNER's commission of these crimes. **The Subject Account** also likely contains attribution and authentication evidence, including images and communications as well as temporal and location data, linking GARDNER to **the Subject Account** and to the incriminating evidence contained within it and rebutting defense claims designed to distance him from **the Subject Account** and the evidence contained within it.



Ryan J. Chrobak
Special Agent, FBI

Sworn to and signed before me
this 9th day of January 2018.


UNITED STATES MAGISTRATE JUDGE